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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,594	03/22/2001	Reed Gleason	KLR: 1016.077	5483

7590

04/23/2003

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EXAMINER

NGUYEN, TUNG X

ART UNIT

PAPER NUMBER

2829

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,594

Applicant(s)

GLEASON ET AL.

Examiner

Tung X Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-14, 26-35 and 40-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 348, 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's election without traverse of species of figure 23 including claims 2-14, 26-35, 39-42 in Paper No. 11 is acknowledged.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings 23 of species must show every feature of the invention specified in the claims. Therefore, **“a support, a membrane, a plurality of elongate conductors, and plurality of conductors”** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:
On page 8, line 14, **“a flat support surface 70”** is not shown in Figs 3-4.
On page 19, line 32, **“a depression 216”** is not shown in Figs. 16-17.
Pages number **26-27** are missing, submitting that pages are required
Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2-14, 26-35, 39-42, are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the instant application, the claimed **“a support; a membrane in overlying relationship to the support; and a plurality of conductors”** recited in claims 2-14, 26-35, 39-42, is not clearly supported elsewhere in the specification. Correction to the claims is requested.

Claims 2-14, 26-35, 39-42, are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. See the explanation above.

To apply art, examiner assumes that a support is the same with substrate for supporting the compliant layer, and the compliant layer is the same with membrane; and conductors is the same with signal layer.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 2-14, 26-35, 39-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term **"a support; a membrane in overlying relationship to the support; and a plurality of conductors"** recited in claims 2-14, 26-35, 39-42 lacks a clear support teaching in the specification.

Claims 2-14, 26-35, 39-42 are unclear because **each of said contacts electrically connected to at least a respective one of said conductors**. That means **said contacts are different from said conductor** as recited in claims 2-14, 26-35, 39-42.

8. To apply art, examiner assumes that a support is the same with substrate for supporting the compliant layer, and the compliant layer is the same with membrane; and conductors is the same with signal layer.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 2-14, 26-35, 40-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Littlebury et al. (u.s.p 5,177,438).

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As to claims 2-14, Littlebury et al. disclose in Fig. 1, a probing assembly for probing an electrical comprising: a support (11); a membrane (12) in overlying relationship to the support (11); a plurality of conductors (13, 14, 16, 17) supported by the membrane (12); and a plurality of contacts (13, 14, 16, 17) supported by the membrane (12), the contacts (13) tilts in response to pressing engagement with said electrical device, and each of said contacts having at least one substantially flat surface (see examiner's label) inclined relative to the membrane (12), defining an acute angle (the side of 13); the contact (13) having an elongate portion (length of 13, 14, 16, 17).

As to claims 26-35, 40-42, Littlebury et al. disclose in Fig. 1, a probing assembly for probing an electrical device comprising: a support (11); a membrane (12) in overlying relationship to the support (11); a plurality of elongate conductors (13, 14, 16, 17) supported by said membrane; a plurality of contacts (13, 14, 16, 17) supported by the membrane (12), and a plurality of said contacts (13, 14, 16, 17) further comprised of: a first material (col. 3, lines 10-28) located at the contacting portion of said contacts where the depth of said first material (height of 13) in a direction perpendicular to the membrane (12) is greater than the depth of said first material in a direction perpendicular to the side of said first material; a second material (12) supporting said first material, wherein said first material is different than said second material (col. 2, lines 10-40).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung X Nguyen whose telephone number is (703) 305-3337. The examiner can normally be reached on 8:30am-5:00pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (703)-308-1233. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

TN
April 8, 2003


KAMAND CUNEO
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